

**Notice of Allowability**

Application No.

09/897,102

Examiner

Perez M. Angelica

Applicant(s)

ISHIKAWA, YOSHIHIRO

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/25/2006.
2. ☒ The allowed claim(s) is/are 1-4, 6-11, 13-18 and 20-26.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. The Examiner's amendment was authorized on 12/11/2006, by attorney Zachary S. Stern (Reg. No.: 54719).

The application has been amended as follows:

**In the claims:**

2. In claim 1, after line 12, insert the following as a new line: --creating a list having base stations arranged at positions in an order form a highest communication quality level based on the created quality information, with respect to each identified region;--;

In line 13, after the word "selecting" insert --, from each list,--;

In line 16, after the word "level", insert --in the corresponding list--.

- In claim 8, after line 12, insert the following as a new line: --creating a list having base stations arranged at positions in an order form a highest communication quality level based on the created quality information, with respect to each identified region;--;

In line 13, after the phrase "for selecting" insert --, from each list,--;

In line 16, after the word "level", insert --in the corresponding list--.

- In claim 15, after line 14, insert the following as a new line: --creating a list having base stations arranged at positions in an order form a highest communication quality level based on the created quality information, with respect to each identified region;--;

In line 15, after the phrase "computer to select" insert --, from each list,--;

In line 18, after the word "level", insert --in the corresponding list--.

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In claim 22, after line 13, insert the following as a new line: --creating a list having base stations arranged at positions in an order form a highest communication quality level based on the created quality information, with respect to each identified region;--;

In line 14, after the phrase "configured to select" insert --from each list,--;

In line 17, after the word "level", insert --in the corresponding list--.

3. Since claims 5, 12 and 19 are being cancelled, claims 6, 13 and 20 will depend directly on claims 1, 8 and 15, respectively.

(End of Amendment)

**Note:** The above amendment has been made in order to place the claim in condition for allowance by adding the allowable subject matter for claims 1, 8, 15 and 22.

***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 8, 15 and 22, the prior art of record teaches of an operation data creating method, apparatus, computer-readable storage medium and system for creating operation data in a mobile communication system which includes a plurality of base stations within a service area and a mobile station which makes a wireless communication with the base stations.

The prior art of record does not specifically teach where the operation data creating method comprising the steps of: creating quality information indicating the communication quality level with respect to each base station at each local of plural identified regions within a cell of the service area; selecting a subset of first identified

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regions from the plural identified regions, a first base station having a highest communication quality level at each local identified in a the subset of local first identified regions based on the created quality information, the subset of local first identified regions including a local position of the mobile station; creating a list having base stations arranged at positions in an order form a highest communication quality level based on the created quality information, with respect to each identified region;

Selecting, from each list, base stations having a second highest or subsequent communication quality level which is lower than the first base station at each identified region in the subset of first identified regions where the first base station has the highest communication quality leveling the corresponding list based on the created quality information; and creating the operation data indicating the selected base stations as other base stations related to the first base station having the highest communication quality level.

5. Claims 2-4, 6-7, 23; 9-11, 13-14, 24; 16-18, 20-21, 25 and 26; depend on claims 1, 8, 15 and 22, respectively; therefore, the examiner gives the same reasons for allowance as set fort above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 6:00 a.m. - 1:30 p.m., Monday - Friday.

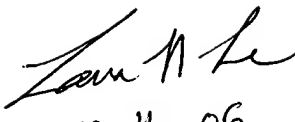
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

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Angelica Perez  
Examiner

  
12-11-06  
LANA LE  
PRIMARY EXAMINER

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December 8, 2006